

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Connect America Fund |) | WC Docket No. 10-90 |
| |) | |
| A National Broadband Plan for Our Future |) | GN Docket No. 09-51 |
| |) | |
| Establishing Just and Reasonable Rates for Local Exchange Carriers |) | WC Docket No. 07-135 |
| |) | |
| High-Cost Universal Service Support |) | WC Docket No. 05-337 |
| |) | |
| Developing a Unified Intercarrier Compensation Regime |) | CC Docket No. 01-92 |
| |) | |
| Federal-State Joint Board on Universal Service |) | CC Docket No. 96-45 |
| |) | |
| Lifeline and Link-Up |) | WC Docket No. 03-109 |
| |) | |
| Universal Service Reform—Mobility Fund |) | WT Docket No. 10-208 |

**COMMENTS OF FRONTIER COMMUNICATIONS CORPORATION ON AT&T’S
PETITION FOR LIMITED WAIVER**

I. INTRODUCTION

Frontier Communications Corporation (“Frontier”) hereby submits the following comments to AT&T Inc.’s (AT&T) Petition for Limited Waiver¹ of call signaling rules as established in the above-captioned proceeding.² The Federal Communications Commission (“Commission”) established the call signaling rules from which AT&T seeks waiver in an effort to curb “phantom

¹ AT&T Inc., Petition for Limited Waiver, WC Dkt. Nos. 10-90, 07-135, 05-337, 03-109; GN Dkt. No. 09-51; CC Dkt. Nos. 01-92, 96-45, WT Dkt. No. 10-208 (filed Dec. 29, 2011) (“*Petition*”).

² *In re: Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund*, WC Dkt. Nos. 10-90, 07-135, 05-337, 03-109; GN Dkt. No. 09-51; CC Dkt. Nos. 01-92, 96-45, WT Dkt. No. 10-208, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161 (rel. Nov. 18, 2011) (“*Report & Order*”).

traffic” abuses by “clos[ing] loopholes that are being used to manipulate the intercarrier compensation system.”³ Frontier has been an active proponent of strict rules to curb phantom traffic given the high percentage of phantom traffic that has come through on the network.⁴ In order to avoid creating further loopholes, Frontier submits that the Commission should deny the *Petition*’s request for waiver of the obligation to pass the unaltered Charge Number (“CN”) and demand further clarification before deciding upon the request related to Multi-Frequency (“MF”) signaling.

II. AT&T FAILS TO PROVIDE GOOD CAUSE FOR WAIVER OF THE CN RULES

AT&T fails to provide good cause for waiver as required under the Commission’s rules;⁵ therefore the Commission should deny AT&T’s petition for waiver of the requirement to pass CN unaltered where it is different than the Calling Party Number (“CPN”) in instances where the customers have dedicated services. AT&T seeks its waiver on the grounds that compliance in this situation “is not technically feasible with the deployed equipment,”⁶ yet it never demonstrates that compliance is more than an unspecified economic burden.

The decision to create a system for dedicated customers that populates the CN with a number that is invalid (either a “pseudo-North American Numbering Plan number or a private numbering plan number”)⁷ was a business decision that AT&T made—not a function of technology—and should not serve as a basis to relieve compliance with the Commission’s rules. AT&T does not claim that it is technically infeasible to correct its systems for compliance; instead it states that it

³ *Report & Order* at ¶ 702. Phantom traffic “refers to traffic that terminating networks receive that lacks certain identifying information.” *Id.* at ¶ 703.

⁴ See Frontier Section XV Comments, WC Dkt. Nos. 10-90, 07-135, 05-337, 03-109; GN Dkt. No. 09-51; CC Dkt. Nos. 01-92, 96-45, WT Dkt. No. 10-208, at 10-11 (filed Apr. 1, 2011) (noting Frontier’s estimate that 5-8% of the traffic it receives is phantom traffic, accounting for millions of dollars in lost revenue).

⁵ 47 C.F.R. § 1.3 (2011).

⁶ *Petition* at 4.

⁷ *Id.*

“*is by no means clear* that it would be technically feasible to do so” because “technical support *may* no longer be available from the manufacturer.”⁸ These statements do not suggest technical infeasibility so much as a lack of technical will. This is punctuated by AT&T’s repeated references to compliance being “costly and time-consuming,” instead of technically infeasible.⁹ AT&T admits that “even if it were feasible” to retrofit its switches, ultimately “it would make no sense to require AT&T to incur the costs necessary to modify this equipment to comply with the rules. . . .”¹⁰ AT&T provides no data that it has attempted to correct the issue, much less the cost of doing so.

Technically, AT&T does not explain why, if it can assign a pseudo-CN and use that for internal purposes, it cannot change that pseudo-CN to conform to the NANP and properly identify the jurisdiction and customer. AT&T’s assertion that continuing to pass along the pseudo-CN would result in dropped calls is questionable.¹¹ Frontier is unaware of any carrier that drops calls because the originating CN is invalid and/or missing. If AT&T were to transmit an invalid CN the call would be completed but billing would fail to assign the proper jurisdiction, leading to the same problems with call signaling that have existed for years. AT&T has neither demonstrated that it has attempted to populate the CN with jurisdictionally accurate information nor provided the costs of doing so.

The Commission has already noted AT&T’s request “that the Commission clarify that the rules do not require the deployment of new equipment or otherwise add costs for compliance.”¹² Yet the Commission ultimately denied the request so as not to undermine its new phantom traffic rules. Given the importance of the Commission’s phantom traffic rules and the threshold for

⁸ *Id.* at 5 (emphasis added).

⁹ *Id.* at 4-5.

¹⁰ *Id.* at 5.

¹¹ *Id.*

¹² *Report and Order* at ¶ 722 (citing AT&T Section XV Comments at 24-25, the same subject of this *Petition*).

granting waiver, good cause must be clear for the Commission to grant AT&T's request. AT&T has not presented good cause for waiver; AT&T merely stated that it doesn't believe it economically "makes sense" for them to take steps to comply with the Commission's new rules.

III. AT&T MUST PRESENT EVIDENCE OF THE SCOPE OF ITS MF TRAFFIC BEFORE BEING GRANTED WAIVER OF THE RULES

Frontier provides qualified support for AT&T's request of "limited waiver of the rule requiring service providers using MF signaling to pass the number of the calling party (or CN, if different) in the MF ANI field."¹³ Frontier acknowledges the technical limitations of the MF signaling but is concerned that AT&T does not identify the amount of its traffic that uses MF signaling. Therefore, before the Commission considers AT&T's waiver request AT&T should identify its percentage of MF traffic. The *Petition* notes that "AT&T's legacy interexchange network uses little MF signaling on termination,"¹⁴ with a footnote providing an anecdotal example that "on one type of switch used by AT&T's legacy interexchange network, only 1.3 percent of terminations use MF signaling."¹⁵ This one example provides insufficient information for determining the scope of AT&T's traffic that terminates using MF signaling.

Given AT&T's size and the amount of traffic it produces, the Commission should require AT&T to specify exactly what percentage of traffic terminations use MF signaling. A large amount of such traffic could create a loophole that would remove enormous volumes of traffic from compliance with the Commission's phantom traffic rules. The Commission should not evaluate AT&T's request for waiver of MF signaling rules until AT&T makes such a showing.

¹³ *Id.* at 6.

¹⁴ *Id.*

¹⁵ *Id.* at n.24.

IV. CONCLUSION

For the foregoing reasons Frontier respectfully requests the Commission to deny AT&T's *Petition* in part and request more information prior to consideration.

Respectfully submitted,

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